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How child protection's 'investigative turn' impacts on poor and deprived communities

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In recent years there have been major changes in responses to children in need with an 'investigative turn' because of widening suspicion of abuse and neglect. This turn is located within an increasingly harsh policy context where support services are being hollowed out at the same time as more families are experiencing poverty and its attendant pressures. This article examines these changes in response to need and outlines the 'investigative turn' which it is argued results from a broadening of what is considered reasonable cause to suspect significant harm. It combines research data to show that deprived families experience significant levels of child protection investigations questioning the efficacy of this particularly when these families already suffer high levels of need and shame.

Background

The relationship between poverty, child abuse and neglect has historically been the subject of considerable scholarship. However, in recent decades, there has been less attention paid to understanding and researching this relationship. For example, the Department for Education collects no data on the socio-economic circumstances of families that are subject to child protection or care processes reinforcing the invisibility of the links. Recent years have seen a strong political message that there is no relationship between poverty and the likelihood of a child being harmed or neglected and even that it is irresponsible to suggest such a link. Furthermore, there has been little attention paid to the relationship between child abuse and neglect and levels of inequality within society, despite robust

evidence on the relationship between inequalities and a host of social concerns such as addiction and mental health problems; problems that are highly pertinent to understanding and dealing with the harms that children experience (Bywaters et al, 'The relationship between poverty, child abuse and neglect: an evidence review' (Joseph Rowntree Foundation, 2016)).

Socio-economic circumstances can be both a direct and/or indirect contributory causal factor of child abuse and neglect. The direct effects occur when a parent is not able to adequately feed, shelter or clothe, their children or keep them warm. Thus, the changes in welfare as a result of austerity are of importance here. The indirect effects of poverty arise from the impact of low, insecure, intermittent income and the often accompanying issues in relation to housing and unemployment. Poverty has a very important psychological dimension. Across a host of countries, shame has been found to be central for those living in poverty (Chase and Walker, 'The co-construction of shame in the context of poverty: beyond a threat to the social bond' (2013) 47(4) *Sociology* 739). The social and psychological pain of the shame reported by people living in poverty is important for its own sake, but also because shaming discourses reduce self-confidence and a sense of self-efficacy.

Low income interacts with problems such as poor physical and mental health, disability in either parent or child and substance misuse (all problems that are increased in societies such as the UK with high levels of inequality). While any of these factors may

pose considerable challenges for families at adequate or higher levels of income, it is very unlikely that their children will be removed under child protection proceedings (Bywaters et al (2016)). However, if you are poor the chances of your child being removed are much higher as we explore further below.

The 'investigative turn'

Successive governments have collected data on children in need since 2009–2010 ('Characteristics of children in need: 2015 to 2016'

<https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2015-to-2016> (DfE, 2016)). The statistics show that there has been a small increase (2.9%) in the number of referrals made to local authorities between 2009–2010 and 2015–2016. However, there has been a 93% increase in the number of investigations under s 47 of the Children Act in that same period. A much higher proportion of referrals are being responded to by investigations. In 2009–2010, 15% of referrals received such a response, but this increased to 28% by 2015–2016. Does this reflect better detection of or growth in abuse and neglect? This is unlikely given that a growing number (143% increase from 45,000 to 108,980) and proportion of investigations (from 50% in 2009–2010 to 63% in 2015–2016) do not lead to child protection plans. The judgment in *R (AB and CD) v London Borough of Haringey* [2013] EWHC 416 (Admin), [2014] 2 FLR 63, describes the serious harm caused to children and families by unwarranted s 47 investigations and research shows that parents and children are very unlikely to accept or receive help following an investigation even if their situation is one of severe need. This increase in harm to children and families caused by the investigative turn is hard to justify unless overall harm to children is significantly reduced.

The number of new child protection plans within the year has increased by 19,010 to 63,310 between 2009–2010 and 2015–2016 due to an increase of 19,080 (60%) in plans because of neglect or emotional abuse with

the latter frequently resulting from exposure to domestic violence. The 'investigative turn' is not about increases in or better detection of physical or sexual abuse. The number of plans for such abuses have increased numerically but by only 5.4% to 9,170 whilst investigations rose by 93% to 172,290 so only 5.3% of investigations find these forms of abuse.

Until recently, information about the extent of a child's involvement in the safeguarding system in England was limited to the annual returns published by government. Bilson and Martin ('Referrals and Child Protection in England: One in Five Children Referred to Children's Services and One in Nineteen Investigated before the Age of Five' (2016) *British Journal of Social Work* bcw054.) used a freedom of information request to gather data from 75% of all local authorities, covering over half a million children. Their study found that one in five (22.5%) of all the children born in 2009–2010 were referred to children's social care before they reached their fifth birthday. The Department for Education has now confirmed this finding of one in five referred (19%) for all local authorities. Most of the children in Bilson and Martin's study were assessed by the local authority and 14.3% were found to be in need. A child in need is defined in the Children Act as requiring a service because the child is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, if services were not provided, or the child is disabled. For over 11% of all children the category of need given at the initial assessment was either abuse or neglect or dysfunctional family, the latter being defined as a family where there are concerns about abuse and neglect with insufficient evidence to warrant an investigation. Formal investigations under s 47 of the Children Act were undertaken in respect of 5.4% of all children and a child protection plan was put in place for 3.5% of all children. This study thus shows that: one in every five children was referred to social care before the age of five; one in every nine was suspected of being abused; and one in every 19 was formally investigated.

Child protection and deprived communities

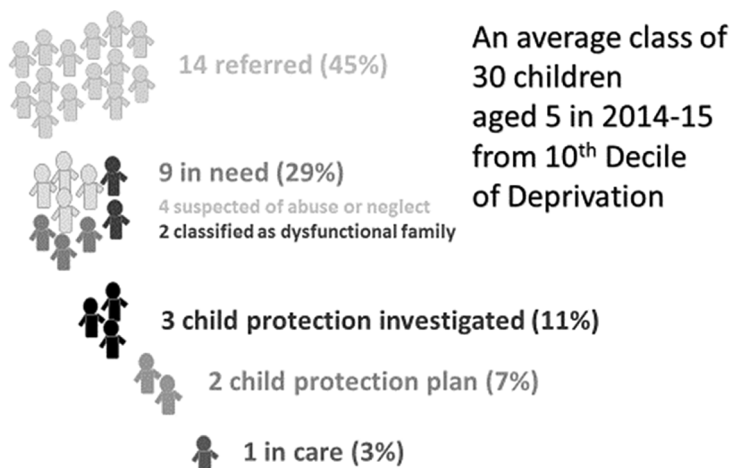
The connection between poverty, deprivation and involvement in the child protection system has been well established over many years. Bywaters et al ('Inequalities in child welfare intervention rates: The intersection of deprivation and identity' (2014) 21(4) *Child & Family Social Work* 452) have shown that there is a gradient across the levels of deprivation in England with increasing involvement in the system, the higher the level of deprivation in the community. Children in the 10% most deprived communities were around 11 times more likely to be on a child protection plan or in care than children in the least deprived 10%. Indeed, 60% of all children on child protection plans or in care lived in the 20% most deprived communities.

There is no research on how many children in deprived communities are involved in the child protection system over time. The estimate here uses the findings of Bywaters et al combined with the data from the study by Bilson and Martin. In doing the calculations we have taken into account the differences in rate per thousand children in deprived communities in the two studies. The estimate makes a number of assumptions which include that: the gradient of deprivation found in Bywaters et al's study is similar to that found across the authorities in Bilson and Martin's study; the length of time spent on child protection plans and children in care is not dependent on the level of deprivation in the

community; and that the ratio of referrals, child protection plans and children in care is similar across different levels of deprivation. It is likely that these assumptions will not prove to be correct and that there will also be large differences between local authorities. However, until further research is available, this simple model gives the best available indication of the likely levels of involvement of children in communities with different levels of deprivation.

Diagram 1: Estimates of the proportion of children born between 1 April 2009 and 31 March 2010 who had reached various stages of children's services involvement before their 5th birthday.

Diagram 1 shows the estimates of the proportions of children in the most deprived 10% of communities who would be referred etc in an 'average class' of 35 year olds born in 2009–2010. This estimate shows that in this 'average class' 14 children would have already been referred to children's social care and as many as six of the children will have been suspected of abuse or neglect, or have come from a 'dysfunctional family'. Three children in the class would have been investigated under s 47 for suspected abuse; two placed on a child protection plan; and one child in care. It can only be guessed what the picture would be like if we had data to look at children in the 2% most deprived communities. At the other end of the scale children in the least deprived 10%, a similar class might include only one child who had been referred to children's social care or been in need.



Implications

This estimate suggests that a large proportion of children in the most deprived communities will be involved with children's social care and that many children will have been suspected of being neglected or abused before the age of 5. Since over half of all referrals and investigations concern children over this age the numbers drawn into the system before the age of 18 will be much higher. This level of investigation in deprived communities is of concern for many reasons. As we have already noted parents living in poverty have limited resources to care effectively for their children and are likely to be struggling with feelings of shame and lack of self-worth. Asking for help in a climate of suspicion is highly risky. Moreover, fear of exposing your family to the suspicious gaze of 'the authorities' may foster behaviour that is interpreted by professionals as suspicious (such as delays in seeking medical help when a child is injured).

The current policy of Early Help which aims to prevent harm needs to be explored within an understanding of the widening definitions of 'risk' of significant harm that underpin the 'investigative turn'. It is possible that it is contributing to the widening of the child protection net as agencies increasingly frame children in need of help as families needing to be investigated. Furthermore, non-stigmatising sources of support for families, delivered through Children's Centres, have been substantially reduced because of austerity. The concept of significant harm in the Children Act 1989 was intended to regulate state intervention and protect families from excessive intervention. However, the current interpretation of 'risk' of significant harm within an 'investigative turn' would appear to be leading to a system that is increasingly intrusive and out of control.